

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION**

Case No. 2:18-md-2846

**Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson**

This document relates to:

***Kirkman v. C.R. Bard, Inc., et al.,*
Case No. 2:22-cv-553**

ORDER

This matter is before the Court on Defendants' Motion to Compel Plaintiff's Delinquent Plaintiff Profile Form (Doc. 4). Defendants assert that Plaintiff has failed to comply with CMO No. 8's requirement that each Plaintiff "shall complete and serve upon Defendants via email a completed PPF . . . along with all duly executed authorizations for the release of relevant medical records, within 60 days after Defendants serve their Short Form Answer upon a Plaintiff." (Doc. 57 at 2). They, therefore, request that Plaintiff be ordered "to produce the complete Plaintiff Profile Form within 14 days of the Court's order." (Doc. 4, ¶ 10). "If Plaintiff fails to cure, then Defendants request the Court dismiss the case with prejudice." (*Id.*). Plaintiff has not filed a response in opposition, and the Court considers the Motion to be unopposed.

"On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery." Fed. R. Civ. P. 37(a)(1). "The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." *Id.*

Here, Defendants have complied with the requirements of Rule 37 and CMO No. 8's PPF Deficiency Dispute Resolution process. (*See generally* Doc. 4). Plaintiff has not opposed

Defendants' requested relief. The Court, therefore, **GRANTS** the unopposed Motion (Doc. 4) and **ORDERS** Plaintiff to produce the delinquent Plaintiff Profile Form within **fourteen (14) days** of the Court's order. **Failure to comply with this Order may lead to dismissal of this case for want of prosecution.**

IT IS SO ORDERED.

Date: October 20, 2023

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE